



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 3/9/00

Agenda Item 3

TO: PLANNING COMMISSION

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Use Permit Application No. 00-160-02 - Heald Colleges (Applicant) - Simon Cho & Ki Jo Cho (Owners) - Request To Construct A 56,500-Square-Foot, Two-Story Office And Classroom Building On A 5.5-Acre Site For Heald College - The Project Location Is 25700 Industrial Boulevard, Easterly Side, Approximately 450 Feet South Of Depot Road In An Industrial (I) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Approve the attached Mitigated Negative Declaration.
2. Approve the use permit subject to the recommended conditions of approval.

DISCUSSION:

Adjacent Land Use

North - Industrial warehouse and offices and two single-family dwellings.

East - Waterford Apartments (544 units).

South - Small industrial building and Waterford Apartments.

West - Industrial warehouses and distribution facilities and former Mervyn's office building now being renovated for Life Chiropractic College West, scheduled for occupancy by Fall 2000.

Educational institutions in the Industrial District require a use permit, and may be approved administratively. However, given the magnitude of this project and concerns about the possible impact of the project on the Industrial District, the application is being referred to the Planning Commission.

Heald College (Schools of Business and Technology) is a private, regionally accredited, non-profit educational school that provides curriculum in career programs in computer and electronics technology, Microsoft/Novell networking certification training, computer business administration, business software applications, accounting and legal office administration, hospitality and tourism, medical assisting and medical office administration. Heald College was established in 1863. The Schools of Business and Technology were founded in Hayward in 1952 and 1986, respectively. The two campuses combined operations in 1997 to occupy over

40,000 square feet next to the Southland Mall within the 6-story Professional Building and the second floor of the adjacent Sumitomo Bank building. Because of anticipated growth of the college, only a three-year lease was negotiated at the Southland Mall facility. The present day and evening enrollment is approximately 1,200 students (700 day and 475 evening).

Other Northern California Heald campuses are located in San Francisco, Concord, Martinez, San Jose, Fresno, Stockton, Sacramento, Roseville, and Santa Rosa. Heald College intends to relocate their facilities in Hayward to the Industrial Boulevard site where they would execute a long-term lease for the proposed two-story, 56,500 square-foot office/educational building with the Panattoni Development Company. Eventually, the college hopes to exercise an option to buy the building and property from the developer. Occupancy of the building is anticipated for January 2001. Even though the facility will be leased from Panattoni Development Company, as a non-profit organization, Healds will seek property exemption for the property.

The proposed two-story building will contain administrative offices, 30 classrooms, library/resources room, other specialized instruction areas, separate student and staff lounges, a small bookstore, and restrooms. An elevator will provide access for the disabled to the second floor. No on-site cafeteria is proposed, but vending machines will be provided for limited food service. Hours of operation will be the same as what is presently scheduled at the Southland Mall site, with classes running Monday through Friday from 8:00 a.m. until 10:30 p.m. No classes will be held on Saturday and Sunday. Two teaching shifts will be utilized. The day schedule will be from 8:00 a.m. until 2:00 p.m. with staggered start times of 8:00 a.m., 9:00 a.m. and 10:00 a.m. The evening schedule will go from 6:00 p.m. until 10:30 p.m. with start times at 6:00 p.m. and 7:00 p.m. Beginning with the October quarter in 2001, the maximum number of students is estimated to be 694 students on the day schedule and 504 students in the evening. (See Attachment D - Projected Population Growth - 10 Years) Instructors and staff members will number approximately 62 during the day schedule of the October quarter in 2001. The evening instructors and staff members are approximately 31.

The proposed building has an attractive façade. Exterior walls show painted concrete tilt-up construction with masonry-pop-out sections that enclose the end stairwells. The main entrance to the building is accentuated by both a raised two-story decorative wall section that contains an arched top as well as an extended eyebrow canopy with supporting aluminum columns to provide weather protection over the entry doors. In addition to the main building entry, building entrances are to also be located at the ends of the structure. In order to enhance the design of the building and remove the false "Hollywood prop-like" fin wall that forms the raised arched portion of the building's center parapet wall over the main building entrance and the corresponding wall on the rear side of the building, staff is requesting that the wall thickness be increased to a minimum of two feet where it would be visual to the public.

A textured stucco screen that is centrally located on the roof and forms the highest element of the building at 40 feet will hide roof-mounted mechanical equipment. The building will incorporate a 3-color scheme, with a dark earth-tone (gray tweed) being used at the base of the structure up to the second floor windows and a lighter off-white (dovetail) color above. The entry form is to be painted an accent (blue forest) color. The elevations are further enhanced with in-set aluminum squares. Window glazing is shown to be eclipse blue-green glass. In all, the building rivals the newer enhanced building elevations used in the industrial office

parks and should be architecturally compatible with the adjacent multi-family residential complex.

Vehicular access to the site is provided from three proposed driveways off Industrial Boulevard. The northerly and center driveways will be restricted to not allow left-turn entries from cars traveling southbound on Industrial Boulevard. The northerly driveway will be restricted to allow right-in and right-out movements. The center driveway facing the building will allow left-turn movements out of the parking lot. No restrictions are placed on the southerly driveway. A center lane two-way turn pocket to be created on Industrial Boulevard will provide for left-turns on Industrial Boulevard (southerly direction) to the south driveway only.

The Parking Regulations require business and trade schools to provide a minimum requirement of 1.0 parking space for each four students. A total of 445 spaces are provided on site. This number of parking spaces will allow up to 1,780 students to attend the school per the City Parking Regulations. Parking standards are derived from national standards and may need to be adjusted where necessary depending on particulars of the facility, location, etc. While the combined day and evening students projected estimate for October 2009 enrollment is shown to be 1,640 students, the fact is that with two different classroom schedules being offered with a time spread of 4 hours between the two shifts, the parking lot only needs to carry the weight of the largest day time shift which would be the projected estimate of 950 students. Heald College indicates that these are estimates only and that the actual number may not be that high. The proposed facility has 30 classrooms and the maximum number of students per class would be approximately 30 students each. In the more advanced classes, these numbers may drop down to a lesser amount.

Heald College administration states that they routinely survey their students as to the mode of transportation they take to attend the facility. Recent surveys with students at their Hayward schools indicates that approximately 29 percent of the students do not drive a vehicle and travel to the school by public bus transit. Another 20 percent come to the college by other means such as carpooling, bicycling, or being dropped off at the facility by someone else. In order to reduce the demand for parking, college administrators promote carpooling and take an active part in pairing students so that they can share rides to the school. They also provide financial incentives to encourage students use other modes of transportation to the school. They indicate that it is in their best interest to have adequate parking for their facility. They are very keenly aware that adequate parking must be provided on this proposed site since parking along Industrial Boulevard and other on-street parking in the area will not be available or the walking distance will be too great. With approximately half the students not driving or coming to the facility by other means, the 445-space parking lot would provide parking for those who do drive vehicles at a ratio of about 1 space per student. Of the 445 parking spaces provided, only 8 percent of these (36 spaces) are to be compact size, which occurs where tree wells are placed within the parking bay. Presently, the college uses about 300 parking spaces at the Southland Mall campuses. Staff has included a condition of approval that ties the student enrollment at the facility to a level that is supported by a parking management plan that will be required prior to occupancy

Staff has discussed bus transportation to the proposed site with Heald College administrators, the applicant and AC Transit. Presently, there are six bus stops in the area that are within a short walking distance from the site. These stops are primarily located along Depot Road, along Industrial Boulevard and Clawiter Road and are served by bus line #86. Healds indicates that they will press AC Transit to commence improved bus service to the area when the facility is ready for occupancy. With this new facility and the larger campus for Life Chiropractic College West across the street, improved bus service to the immediate industrial area during certain hours seems to be warranted. If AC Transit does not respond to this request by providing adequate service that would be needed, then Heald College states that they will negotiate with other uses (Life Chiropractic College West, Mt. Eden Business Park and possibly Waterford Apartments) in the area to share a jitney service of their own which would run between the facilities of each and the downtown BART station that connects with many of the bus lines.

The east property line of the site is fenced with a 7-foot high concrete wall. This wall was constructed at the time of development of the Waterford Apartments and should provide adequate noise mitigation from cars circulating within the college parking lot at night. The adjacent apartments are approximately 96 feet from the west property line. The buildings are oriented with a north/south axis and the unit windows do not face the college parking lot or building. Also separating the project from the apartments are carport structures of the units and the perimeter landscape buffer that was established with that use. The developer proposes the construction of a new 8-foot-high concrete wall along the north property line where two single-family dwellings are located. The residences are approximately 300 feet from the north property line.

The 5.52-acre project site is vacant land and is zoned Industrial District. The site is at the edge of the Industrial District and abuts the Waterford Apartment project to the east. While the program of higher learning that Heald Colleges offers is an asset to the community in general and could be located in any number of places if land were available, staff believes that findings can be made that the college is consistent with the purpose and intent of the Industrial District, as stated in the Zoning Ordinance:

The purpose of the Industrial (I) District is to provide for and encourage *the development of industrial uses in areas suitable for it*, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties. (Emphasis added.)

Further, a policy of the General Policies Plan states:

The City will seek to maintain the efficiency of the Industrial Corridor with road and transit improvements and encouragement of appropriate land use.
(Emphasis added.)

A strategy for carrying out this policy is "*Limit non-industrial uses in the Industrial Corridor which would interfere with the primary use of the area as industrial land.*" (Emphasis added.)

Policies and strategies of the Economic Development Element of the General Plan reiterate the

need to support new industrial uses in the I District which generate jobs and revenue for the City, including the following:

- Promote commercial and industrial development to create and maintain the maximum job opportunities for area residents.
- Ensure that land in the Industrial Area is zoned for industrial and business park uses.
- Identify sites for expansion of existing commercial, business park and industrial uses.

Staff agrees with the applicant's argument that the proposed educational facility teaches job skills that are used in many of the Industrial complexes of Hayward. It certainly is not an activity that is associated with heavy industrial uses, but much of what now happens in the work place is computer driven; this school would serve the training of the office support and the administrative end those businesses. This is especially true for the Technical School curriculum and perhaps a lesser degree for the curriculum taught within the Business School. This facility is much different than the specialized educational program of Life Chiropractic College West. Furthermore, with site limitations of the property for industrial activity such as warehousing, distribution, manufacturing, storage yard or auto repair, the proposed use and the amenities that it provides, makes for a good neighbor to the residential uses to the north and east of the site.

Zoning Ordinance Issue

Since at least 1988, a "vocational school" was a primary use in the Industrial District. In 1994, subsequent to Council discussions about sensitive receptors in the Industrial District and the need to support industry, the Zoning Ordinance was revised to delete vocational schools as a primary use and add "educational facility for persons above high school level" as an administrative use. The intent underlying the decision was to accommodate educational activities associated with the types of vocations commonly practiced in the district, not to encourage the siting of large, general education or professional schools. Heald College, however, is not a general educational facility like the typical community college or a state university. Staff believes that it should be classified as vocational-type school. During the Council's review of the Zoning Ordinance in September 1999, they decided not to limit schools in the Industrial District to only industrially oriented curriculum schools and broadened educational opportunities to "Industrial/Vocational Trade Schools." During the Council's review of the Zoning Ordinance in September 1999, they decided not to limit schools in the Industrial District to only industrially oriented curriculum schools and broadened educational opportunities to "Industrial/Vocational Trade Schools."

Examples of vocational education opportunities currently offered in the Industrial District include ITT Technology on Executive Place that teaches computer-aided drafting technology and electronics engineering technology and Construction Craft Training Center on Industrial Boulevard that teaches skills to electricians, plumbers, carpenters, painters, and heating and air conditioning skills. Both of these are smaller facilities than that proposed here or recently

approved. Furthermore, the Healds facility is much smaller than the recently approved campus for Life Chiropractic College West, which is currently under construction. The chiropractic college is to have a building area of nearly 189,000 square feet (4.3 acres) on an 11.48-acre site.

While there was much discussion of the appropriateness of a larger educational facility in the Industrial District during the review of Life Chiropractic College West application, staff sees some major differences between the two schools. Not only is the proposed school much smaller than the chiropractic college, but the campus is much smaller as well. The site is at the very edge of the Industrial District and industrial usage of the site is limited by the need to be compatible with the adjacent residential uses. Staff does not believe that this smaller property would be as appropriate for warehouses and distribution facilities as properties found on the west side of Industrial Boulevard because of the limited area for large truck circulation. The creation of smaller multi-tenant industrial buildings may also not be compatible with the adjacent residential development. For example, auto repair is a primary use in the Industrial District unless restrictions are placed on the development at the time of land use approval. Auto repair facilities near residential uses have often not been compatible because of the problems associated with noise, hours of operation and general appearance of auto storage yards that are created.

On the other hand, an attractive office building with 100 percent office area is not allowed in the Industrial District unless it is part of an established 25-acre business park. Because the site is not part of a business park, a minimum building area of 51 percent would have to be devoted to warehousing, manufacturing or other industrial activity. Overall, the design of the proposed college is in keeping with the character of the newer industrial buildings which have been recently constructed a short distance south of the site within the Mt. Eden Business Park adjacent to the Jackson Street Freeway (SR-92) at Industrial Boulevard where Lynx Pharmaceuticals and Certicom are located.

Environmental Review

A traffic and parking analysis was prepared by TJKM Traffic Consultants (copy attached) which concluded that the proposed project will increase vehicle trips and traffic along Industrial Boulevard and surrounding streets, but that the area streets are adequate to handle traffic associated with Heald College and that on-site parking is adequate to accommodate parking demands of the College.

A Mitigated Negative Declaration was prepared and distributed for a period of twenty days beginning February 17, 2000, in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. A notice of its availability for review was sent to all property owners and occupants within 300 feet of the perimeter of the property and to other interested parties. The environmental review concluded that the project would not have a significant effect on the environment as long as specified mitigation measures are incorporated in the project.

Public Notice

On February 17, 2000, public hearing notices were mailed to all property owners and occupants within 300 feet of the project boundaries and to other interested parties. A notice of the hearing was also published in the Daily Review. Staff did not receive any responses to the notices.

Response from Neighborhood Referrals

Juanita Gutierrez, former head of the Council-appointed Mt. Eden Neighborhood Task Force, comments (see attached) that Heald Colleges will be a positive addition to the neighborhood, but it will bring more traffic on Depot Road, Mohr Drive and Gettysburg Avenue. She is requesting that the developer of the project finance the installation of certain traffic mitigation measures in the area such as a 3-way stop sign at the intersections of Depot Road at Mohr Drive and speed humps on Mohr Drive and Gettysburg Avenue.

The traffic analysis prepared by TJKM has been accepted by the City and states that the proposed project by Heald will not impact the area streets to a lesser service level than what exists. The project does not warrant mitigation measures to modify the existing signage or traffic controls in the area. The requested speed humps are for streets that are not a part of the area street system that would be used by vehicles coming to the proposed site. The City Transportation Development Manager reports that this request is on going and has been added to the City's list of traffic operations issues. When staff's analysis and findings are completed, she will be notified of the results in the form of a letter. Traffic signs and speed humps are on going, fully funded City operational programs. Both must meet Caltrans and/or City criteria in order to be implemented. Area residents have made earlier requests for these traffic signs and speed humps and they are trying to use the project as a way of securing these when the City's and Caltrans criteria have not warranted their placement.


The City currently has separate requests for speed humps on Mohr Drive between West Street and Laguna Drive, and on Gettysburg Avenue between Cryer Street and Depot Road. Most of Mohr Drive is in unincorporated Alameda County. The speed hump requests are on the list for City staff to analyze in the current year as part of the annual speed hump program. The requestors will be notified of the results of the analysis per the adopted City process.

Eden Gardens Parkwest Neighborhood Association - states that their association is opposed to the City granting a permit to Heald College because of the increase of traffic to the neighborhood streets and the safety risk to children in the area walking or biking to and from school. The association, likewise, is requesting that any approval action should be conditioned on the developer, college, or the City of Hayward paying the cost of neighboring traffic improvements on certain area streets. (See attached letter- Attachment F)

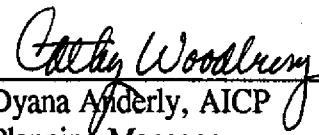
Conclusion

Staff supports the application to construct an educational facility for Heald Colleges on the property, and believes that with the recommended conditions, the facility will not impact the surrounding properties. The traffic analysis and provision of parking on site indicate that the

Prepared by:

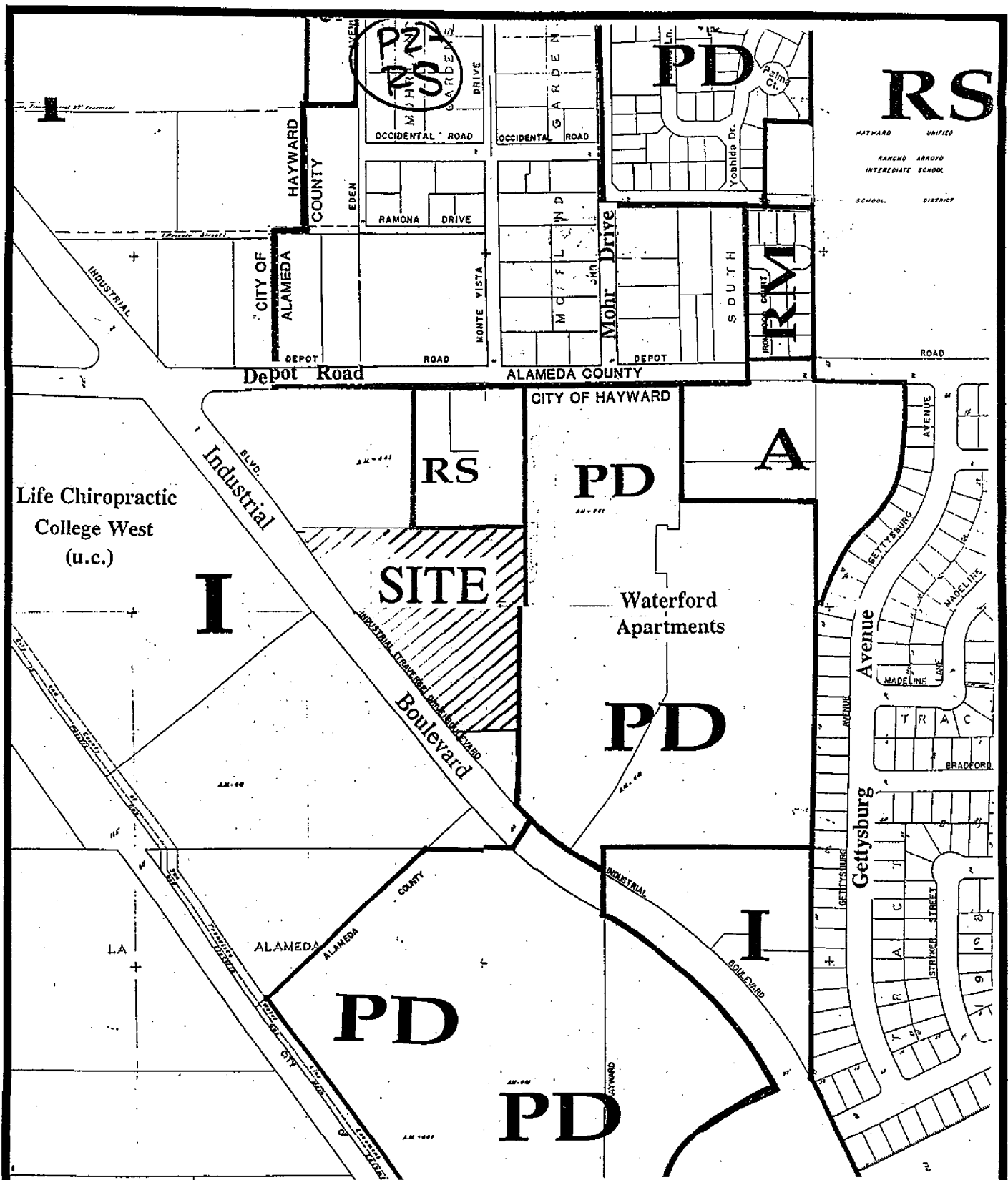

Sheldon R. McClellan
Senior Planner

Recommended by:


for Dyana Anderly, AICP
Planning Manager

Attached Exhibits

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Mitigated Negative Declaration & Initial Study
- E. Letter from Juanita Gutierrez, dated 1/31/2000
- F. Eden Gardens Parkwest Neighborhood Association Letter
- G. TJKM Transportation Consultants, Traffic Analysis, dated February 17, 2000
- H. Olberding Environmental, Inc. Burrowing Owl Study, dated January 17, 2000
- I. Heald College Academic Catalog 1999-2001
- J. Color Photograph/Similar Building (Roseville)
- K. Heald College - Projected Population Growth - 10 Year Plans



AREA/ZONING MAP • Use Permit 00-160-02
HEALD COLLEGES (Applicant)
 25700 Industrial Boulevard

FINDINGS FOR APPROVAL
Use Permit Application No. 00-160-02
25700 Industrial Boulevard
Heald Colleges
Panattoni Development Company (Applicant)
March 9, 2000

The Planning Commission finds:

- A. That the development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the project is infill development and is a use allowed by the Zoning Ordinance in a suitable area for such a use and that it promotes a desirable and attractive working environment with a minimum of detriment to surrounding properties; that the use would not interfere with the primary use of the area as industrial land.
- B. That the proposed educational facility is desirable for the public convenience and welfare in that it provides an educational opportunity in Hayward that contributes to human enhancement.
- C. That the proposed educational facility would not impair the character and integrity of the zoning district and surrounding area, in that the use promotes a desirable and attractive working environment.
- D. That the proposed educational facility would not be detrimental to the public health, safety, or general welfare in that the purpose of the facility is to educate people in career programs in computer and electronics technology, Microsoft/Novell networking certification training, computer business administration, business software applications, accounting and legal office administration which are skills related to the work force in the immediate industrial area.
- E. That the proposed project would not adversely affect traffic in the area in that the TJKM traffic analysis indicates that under the Existing Conditions, all of the study intersections operate at acceptable service levels, and with the addition of project traffic, the study intersections are expected to continue to operate acceptably. Access to the proposed site would be acceptable at all three driveways, and the 445 parking spaces would be adequate to serve this facility
- E. That the project would not be inharmonious with applicable City policies and the intent and purpose of the Industrial District in that educational facilities are permitted when found to not impact surrounding properties and that the facility promotes a desirable and attractive working environment.

CONDITIONS OF APPROVAL
Use Permit Application No. 00-160-02
Heald College
25700 Industrial Boulevard
March 9, 2000

1. Use Permit Application No.00-160-02, request to construct a 56,500-square-foot, two-story office and classroom building on a 5.5-acre site for Heald College at 25700 Industrial Boulevard shall be implemented and operated according to these conditions and plans approved by the Planning Commission on March 9, 2000, labeled Exhibit A, as amended by these conditions of approval.
2. This approval is void one year after the effective date of approval unless a building permit application has been accepted as complete by the City Building Official. Any modification to the approved plans requires review and approval by the Director of Community and Economic Development/Planning Director.
3. Construction shall comply with all applicable currently adopted codes and ordinances including UBC, UPC, UMC, NEC, Title 24 energy code, all Hayward building code amendments, and the Fire codes. Determination of acceptability of alternatives to standard Building Code requirements shall be made by the City Building Official and Fire Marshal.
4. Building, electrical, mechanical, plumbing permit fees, and supplemental building construction improvement tax are applicable. Plan check fees are due at the submittal of building permit. The balance of all other fees, with the exception of supplemental tax that may be deferred until final inspection, are due at the permit issuance time.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

5. Before issuance of a building permit, the applicant shall submit a revised site plan to the Planning Director for review and approval which includes the following:
 - a. A lighting plan. Parking and loading areas shall be adequately lighted for safety and security as determined by the City Engineer. A computerized photometric calculation for foot-candle levels for parking areas (include tree canopies) and walkways shall be provided, with a minimum of one foot-candle of light on the parking surface during the hours of darkness. Cut sheets for light fixtures and poles, including height and color shall be submitted for approval by the Planning Director. The design of the fixtures shall be uniform throughout the parking lot. The fixtures shall be designed to keep the light from splashing into neighboring residences.

- b. Location of proposed meter(s) and transformers. Meters and transformers shall be screened within attractive enclosures or plant material and shall be located outside the front yard setback area.
- c. A detailed storm drain plan showing existing and proposed storm drain layout.
- d. A sign program for the facility consisting of a low monument sign and wall sign(s). The applicant shall submit a Sign Permit application to the Planning Director for review and approval. Signs shall meet the City's Sign Regulations, including size, number and location, and shall not impede visibility of motorists. The base and framing of the monument sign shall reflect the architectural design, colors and materials of the buildings. All wall signs identifying the use shall use individual channel letters.
- e. An attractive design for the trash/recycle area, the design of which shall be reviewed and approved by the Planning Director. All refuse containers and recycling containers shall be located within a concrete enclosure with solid metal gates. The enclosure shall be designed in a style compatible with the building architecture, and as approved by the Planning Director. The enclosure shall provide for adequate storage capacity for recyclables including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated. This shall be accomplished to the satisfaction of the Solid Waste Manager prior to issuance of a building permit. The enclosure wall shall incorporate a decorative cap and inset expansion joints to break up the wall mass. No other area of the site shall drain onto this enclosure area. It is understood that the content of the trash area is primarily paper, plastic and cardboard. If the trash area becomes more than this understanding, the area of containment for trash shall be covered with a solid roof structure. Alameda County Flood Control and Water Conservation District shall approve a grading and drainage plan, including hydraulic calculations.
- f. Submit a detailed landscaping and irrigation plans, based upon the Preliminary Landscape Plan.
- g. The raised arched portion of the building center wall at the entrance and corresponding wall on the rear side of the building shall have a minimum thickness of 2 feet where it rises above the building perimeter parapet wall.
- h. Provide details of the 8-foot-high concrete wall to be placed on the north property line. The wall shall incorporate similar design features that are in the wall located along the easterly property line.
- i. The raised median for the center driveway shall be a 6-inch-high rolled curb.

6. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance of five acres or more, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.
7. The existing downstream 24-inch main is not able to adequately handle the flow from this site. The developer shall design a drainage system that meets the approval of Alameda County Flood Control and Water Conservation District and the city Engineer.
8. The design, location, maintenance requirements, and maintenance schedule for any stormwater quality treatment structural controls shall be submitted to the City for review and approval.
9. The site plan shall be modified to conform to the requirements of the Off-Street Parking Regulations. The vehicle overhang allowance shall be used whenever possible.
10. Driveways shall conform to City standard SD-110, utilizing 6-foot flares.
11. Driveway access will be as follows:
 - a. Turning movements for the most northerly driveway shall be limited to right turn in and right turn out.
 - b. The middle driveway on Industrial shall be designed to prohibit left turns from southbound Industrial Boulevard onto the college site. The design shall meet the approval of the Transportation Manager. Left turn out, right turns in and right turns out shall be permitted.
 - c. For the southerly driveway, full access shall be permitted.
12. The applicant shall submit a property survey with the building permit application.

GENERAL CONDITIONS

13. The following landscaping/irrigation conditions apply:
 - a. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans, based upon the Preliminary Landscape Plan accompanying this application, shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
 - (1) Masonry walls shall be buffered with vines planted at a maximum spacing of 10 feet.

- (2) All planting areas shall be a minimum of 5' wide measured inside the curbs, or between the face of wall and inside of curb.
 - (3) All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
 - b. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
 - c. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
- 14. Before onset of construction, provide an on-site recycling plan, which will be implemented during the construction phase. (Contact Vera Dahle-Lacaze, City Solid Waste Manager at 583-4725.) The applicant shall contact the City's franchised hauler, Waste Management of Alameda County, to arrange for delivery of containers with sufficient capacity to store construction materials to be landfilled.
 - 15. Before occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 - 16. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.
 - 17. The property owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence. The Planning Director shall approve any change in the building exterior color.
 - 18. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
 - 19. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).

20. Groundskeeping activities for the commercial development, such as leaf blowers and parking lot sweepers, shall be limited to daylight hours only; early morning hours shall be avoided as much as possible.
21. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
22. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.
23. Any work in the public right-of-way requires an encroachment permit.
24. Fire hydrants shall be located 5 feet minimum from top of driveway flare.
25. Retaining walls, if required, shall be reinforced concrete.
26. Maintain a 6 feet lateral distance between sanitary sewer laterals and city water services. Water mains shall have a ten feet lateral separation from the sanitary sewer main.
27. Water meters shall be a minimum of 2 feet clear of top of driveway flares.
28. The developer shall implement the improvements to the main entrance to the college as shown on the site plan.
29. The developer shall work with AC Transit to locate an acceptable bus stop in front of the College that will effectively serve students, faculty, and employees if bus established route provides for it. The bus stop shelter is to constructed and maintained by the applicant.
30. The developer and Heald College shall make a concerted effort to work with AC Transit to improve the bus service to the facility and area by increasing the frequency and possibly the bus stop locations. If favorable conclusion is not reached, then Heald will work with other uses in the area that would benefit from improved transportation in the area by providing a transit service to the Hayward Downtown BART Station during the peak start-up and ending times of the school schedules. Any private transit service shall be required when the parking management plan requires it.
31. Heald College management shall take reasonable necessary steps to assure the orderly conduct of employees, students, and visitors on the premises, to the degree that surrounding residents would not be bothered and that loitering is not permitted. Signs shall be posted indicating that loitering is prohibited. Signs shall be approved by the Police Chief. Building management shall discourage patrons from loitering on the premises, in public rights-of-way, and parking area. Signage shall also be provided within the parking area requesting

patrons and employees of the business in the late evening and early morning hours to respect the rights and privacy of neighboring property owners and to observe a reduced noise level during these late evening and early morning hours.

32. Public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located within close proximity to the main entry.
33. The City of Hayward Utilities Division requirements are as follows:
 - a. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size. (It is recommended that a separate irrigation meter be installed to avoid sanitary sewer charges on water used for landscaping purposes.)
 - b. The location of the proposed water meter(s) shall be shown on future plan submissions.
 - c. Install Reduced Pressure Backflow Prevention Assembly as per City of Hayward Standard Detail 202.
 - d. City of Hayward Water Distribution Personnel shall perform operation of valves on the Hayward Water System only.
 - e. Water service shall be made available subject to standard conditions and fees in effect at time of application. Rates increase on September 1, 2000.
 - f. Provide estimated number of students, faculty and staff to Sr. Utility Service Representative to determine amount of sewage flows.
34. The Fire Department requirements are as follows:

ACCESS

- a. All driveways shall be designed for Fire Department truck access. The front portion of the center driveway median shall be designed with rolled curb and decorative brick or other approved materials that will support fire truck apparatus at 50,000 pounds.
- b. A minimum driveway width of 26' (unobstructed) shall be provided and maintained for all internal circulation areas.

- c. All curbs within the entire parking lot area that abut driveway circulation areas shall be painted red.

WATER SUPPLY

- d. On-site fire hydrants (total of 3) shall be placed as shown on the civil drawings.
- e. In addition to the public fire hydrant provided at the middle entrance driveway, two additional public fire hydrants shall be installed at the north and south driveway entrances.
- f. Fire hydrants shall be double steamer types with two 4½" outlets and one 2½" outlet.
- g. Public fire hydrants on Industrial Boulevard shall be capable of flowing a minimum of 5000 GPM.
- h. Private on-site fire hydrants shall be capable of flowing 2500 GPM.
- i. Fire hydrants shall be installed per City Standards and shall have crash posts installed, if needed. Blue reflective pavement markers shall be placed adjacent to the fire hydrants on the street.
- j. The underground fire line shall not be tied in together with the domestic water line as shown on plans. A separate dedicated fire service shall be provided.

FIRE PROTECTION

- k. The building shall have an automatic fire sprinkler system installed per NFPA 13 Standards.
- l. The underground fire line shall be installed per NFPA 24 Standards and shall be a separate dedicated service with PIV and FDC in an approved location.
- m. Fire extinguishers shall be provided throughout the building.
- n. Additional requirements will be addressed at time of building permit submittal, which include Article 25 requirements per the UFC for places of assembly.

BUILDING CONSTRUCTION

- o. The building shall meet the 1997 UBC and 1998 CBC for construction and exiting requirements.

- p. Any classrooms that exceed 750 square feet in area and that would allow more than 50 students (occupant load) shall be designed to an occupancy of A-3 standards and shall meet applicable exiting, exiting signage, escape routes posted, and additional requirements as noted above per the UFC.

PRIOR TO CONNECTION OF UTILITIES:

- 35. The property owner and Heald College shall prepare a parking management plan that will tie student enrollment of the college to the availability of adequate parking on the site. Any student parking occurring on surrounding streets to the property shall be an indication that adequate parking is not available and that the enrollment should be reduced accordingly. If adjustments are not made by the college to reduce neighborhood spillover parking, then the application shall be brought back to the Planning Commission in a public hearing for placement of new conditions to regulate the maximum enrollment.
- 36. All parking and circulation areas shall be asphalt concrete, which shall have a relative compaction of not less than 95 percent and shall have a minimum pavement thickness of 3 inches.
- 37. All trench backfill materials shall be class B-1 bedding (SD-310) unless otherwise noted.
- 38. Streetlights shall be constructed as per City Standard Detail SD-120.
- 39. All on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay".
- 40. The applicant shall install "No Parking Any Time" signs along the property frontage.
- 41. The developer shall pay the applicable Supplemental Building and Improvement Tax.
- 42. The developer shall install a "No Left Turn" on southbound Industrial Boulevard to further discourage left turns into the facility. The City Engineer shall approve the design and placement of such sign.
- 43. The developer shall post the entire length of the Industrial Boulevard street frontage with "No Parking Any Time" signs.
- 44. All on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay".
- 45. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.